UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/609,285	06/30/2000	Michael L. Asmussen	5218	2649

56015 7590 09/08/2005

MOSER, PATTERSON & SHERIDAN, LLP/
SEDNA PATENT SERVICES, LLC
595 SHREWSBURY AVENUE
SUITE 100
SHREWSBURY, NJ 07702

EXAMINER	
LONSBERRY, HUNTER B	
ART UNIT	**PAPER NUMBER**
2611	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/609,285	ASMUSSEN, MICHAEL L.	
	Examiner	Art Unit	
	Hunter B. Lonsberry	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21,27-49,55-77,83 and 84* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21, 27-49, 55-77, 83 and 84* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 5/25/05 have been fully considered but they are not persuasive.

Applicant argues that the pausing means of Abecassis is responsive to the accepting means which accepts the communication received by the communication means and therefore only after acceptance is there any pausing of content. By contrast the claimed pauses a video program in response to the diction of the receiving of an audio portion of a communications event (amendment page 16).

Regarding applicants argument, the independent claims merely require that the video program be paused in response to detection of receiving the audio portion of the communications event during the video program presentation. The claim is silent as to when the pause occurs, whether it is immediately in response to receipt of the audio portion, if it is at some time later, or if it is at the discretion of the user. Thus the broadest possible reasonable interpretation of the claim language does not preclude pausing the video at a portion of time designated by the user after the audio portion of the communications event has been received.

The communications event in Abecassis begins when a user accepts a request to begin an incoming phone call, or videoconference (Figure 13, step 1311), though the audio portion of the signal is routed to the display prior to the event beginning (column 52, lines 13-18). The software of Abecassis then

automatically pauses the program upon detection of a user picking up a receiver, or pressing a button thus beginning the communications event (column 53, lines 18-26), an indication of the communications event is then displayed onscreen whether it is caller ID and caller information, paging information or video information (column 52, lines 43-65).

Herz discloses a method for notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition (column 61, line 51-column 62, line 6, lines 23-25).
Therefore Abecassis in combination with Herz would result in a system in which a video data is paused and audio data is converted to text for display as required by the independent claims.

Applicant argues that Herz applies an email filter to voice mail messages that have been converted into electronically stored text via the use of well-known techniques for speech recognition or optical character recognition. Therefore, the Herz reference does not teach or suggest converting the voice mail messages into text, but instead discloses applying an email filter to voice mail messages that have already been converted. By contrast the claimed invention teaches converting the audio portion of the communications event. (amendment page 17).

Regarding applicants argument, applicant admits that Herz does in fact teach conversion of audio to text via well-known techniques for speech recognition (column 62, lines 1-6).

Applicant argues that Herz does not teach or suggest that the voice mail messages have been converted for display, but rather teaches notifying the user of the receipt of the converted voice mail message (Amendment page 17).

Regarding applicant's argument, claim 1, merely requires that an audio portion of the communications event be converted to text for display, and outputting a signal for displaying an indication of receiving the audio portion of the communications event. The examiner notes that while audio is converted to text for display, the claim does not require the converted audio to be displayed, rather an indication that the audio portion of the communications event has been received is displayed. Abecassis discloses that an indication that an audio portion of a communications event is has been received (column 52, lines 13-18, figure 14a). Herz is merely relied upon to teach audio to text conversion and an alert that a message has been received (column 62, lines 1-38).

Applicant argues that the examiner has used hindsight and there is no motivation to combine Herz and Abecassis (amendment page 18).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Abecassis is relied upon to teach pausing of video in response to detecting the receipt of the audio portion of a communications event. Abecassis fails to disclose converting the audio portion of the communications for display, but does disclose storing the audio portion of a communications event as a voice mail. Herz discloses a system, which converts voice mail messages to text, and alerts a user when a new message has been received. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Abecassis to utilize the voice to text conversion and alerting feature of Herz for the advantage of alerting a user when a new voice mail message is received without interrupting the display of the program.

Applicant argues that Herz does not teach converting an audio portion of the telephone call to corresponding text and audio to text conversion of real time telephone calls during viewing of a video program (Amendment page 22)

Regarding applicants argument, the examiner notes that the claim requires conversion of real time telephone calls, not the conversion of audio to text conversion in real time as argued by the applicant. A telephone call occurs in real-time, likewise the recording of a telephone call occurs in real time, as both events occur while the telephone call is on going. Thus the claim requires audio to text conversion of real-time telephone calls which occur during viewing of a video program. Abecassis is relied upon to teach receiving a telephone call which occurs in real time while watching a video program, and storing the voice mail. Herz discloses audio to text conversion of voice mails and alerting a user when a new message is received. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Abecassis to utilize the voice to text conversion and alerting feature of Herz for the advantage of alerting a user when a new voice mail message is received without interrupting the display of the program.

Applicant argues that Abecassis does not disclose displaying the corresponding converted text along with the video (amendment page 21).

Regarding applicants argument, Abecassis discloses that the audio video and any other relevant data may appear on the display (column 52, lines 13-17). Herz is relied upon to display converted text (column 62, lines 1-40, converted text is forwarded to the user/user's secretary after it is passed through the filter).

Applicant argues that there is no motivation to combine Abecassis and Herz because Herz discloses that it is desirable to be passive and unobtrusive and enables the user to access information without requiring the user to expend an excessive amount of time and energy. In contrast Abecassis in which all communication causes a video or audio signal to be provided to the user through the display. There would be no motivation to combine as the references are directed to opposing goals (amendment page 23).

Regarding applicants argument, Abecassis discloses that a user may ignore any alerting communications which is received (column 52, lines 27-30), thus not requiring any additional expenditure of time or energy on the user's part. Herz is relied upon to teach alerting a user of a message. As both Herz and Abecassis teach alerts, and allow a user to take an inactive role, Herz and Abecassis do not teach away from one another.

Applicant traverses the examiner's official notices (Amendment page 24).

The examiner has replaced the official notices with newly cited references or portions of Abecassis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4, 6-8, 10, 12-14, 16, 19-21,27-32, 34-35, 38, 40-42, 44, 47-49, 55, 57-60, 62-64, 66, 68-70, 72, 75-77, and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 5,754,938 to Herz.

Regarding claim 1, Abecassis discloses a method for automatically pausing a video program in figures 13-14b,

in which uses a PCTV like device receives a video program (step 1301) and outputs it to a display device, (figure 5, column 18, lines 33-51),

receiving an audio portion of a communications event (audio associated with an incoming videophone call, steps 1302, 1310, column 52, lines 13-16,)

detecting the receiving of the audio portion of the communications event during the video program presentation (step 1311)

if the user accepts the incoming message (step 1311) the set top box transmits a signal to the video server and pauses the video to display the content (step 1322, column 51, lines 16-column 54, line 53), if a user does not accept a phone call, the communications signal is routed to the appropriate device and recorded (steps 1311, 1312, column 52, lines 18-34), incoming messages may include phone calls, video phone calls, faxes, messages, pages or any analog or digital transmission (column 51, lines 21-24) .

Abecassis fails to disclose converting an audio portion of the communications event to text for display, but does disclose recording an audio message (column 52, lines 18-34).

Herz discloses a method for notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition, an alert is provided to the user (column 61, line 51-column 62, line 6, lines 23-25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the incoming alert method of Abecassis to include the voice to text conversion and alerts of Herz, thereby enabling a user to receive a message without interrupting viewing of a program.

Regarding claims 2, 30, and 58, Herz discloses that the detection of incoming messages may include phone calls, video phone calls, faxes, messages, pages or any analog or digital transmission (step 1322, column 51, lines 21-24) .

Regarding claims 3, 31 and 59, Abecassis discloses the use of displayed caller id information (step 1310, column 52, lines 13-17).

Regarding claims 4, 32, and 60, Abecassis discloses displaying caller ID information (column 52, lines 13-18).

Regarding claims 6, 8, 34, 62, and 64, Herz discloses a method for notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition (column 61, line 51-column 62, line 6, lines 23-25).

Regarding claims 7, 35, and 63, Abecassis discloses that if a user does not accept an incoming call, the call is recorded (column 52, lines 27-30).

Abecassis inherently stores the message in an audio format as an audio format is required in order to record the call

Regarding claims 10, 38, and 66, Abecassis discloses that a display window may be placed over the paused video (column 52, lines 46-50).

Regarding claims 12, 40, and 68, Abecassis discloses that a user may issue a play command and the video resumes from the same point (column 53, lines 12-49).

Regarding claims 13, 14, 16, 41, 42, 44, 69, 70, and 72, Abecassis discloses the use of a fast forward, rewind and frame advance function (column 40, lines 26-31)

Regarding claims 19-21, 47-49, and 75-77, Abecassis discloses that a communications from a caller may include a transmitted graphic, or may utilize a locally stored graphic, which is then displayed on the user's display upon a call (column 53-line 57-column 54, line 3).

Regarding claims 27 and 55, Abecassis discloses a method for automatically pausing a video program in figures 13-14b,

in which uses a PCTV like device receives a video program (step 1301) and outputs it to a display device, (figure 5, column 18, lines 33-51),

a user may receive an incoming call or page, which is detected during the video transmission (1302),

a user receives an indication for an incoming telephone call/page which includes caller ID information, text information or a graphic, if the user accepts the incoming message the set top box transmits a signal to the video server and pauses the video to display the content (step 1322, column 51, lines 16-column 54, line 53), if a user does not accept a phone call, the communications signal is routed to the appropriate device and recorded (steps 1311, 1312, column 52, lines 18-34), incoming messages may include phone calls, video phone calls, faxes, messages, pages or any analog or digital transmission (column 51, lines

21-24), the video program and message may be displayed simultaneously (figure 14b) .

Abecassis inherently detects an off hook condition as Abecassis discloses that phone calls may be incoming communications (column 51, lines 21-24), and that if communications are accepted (step 1311), the video is paused (1323), thus Abecassis must be able to detect when a call is retrieved, and when a call has not been retrieved, otherwise, the device would not know whether or not to pause the video.

Abecassis fails to disclose converting an audio portion of the communications event to text for display with the video program, but does disclose recording an audio message (column 52, lines 18-34).

Herz discloses a method for notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition (column 61, line 51-column 62, line 6, lines 23-25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the incoming alert method of Abecassis to include the voice to text conversion and alerts of Herz, thereby enabling a user to receive a message without interrupting viewing of a program.

Regarding claim 29, Abecassis discloses a the use of an apparatus (figure 5, RAViT 500) for automatically pausing a video program in figures 13-14b,

in which uses a PCTV like device receives a video program (step 1301) via communications module 502 (column 18, lines 60-68)

and outputs it to a display device via I/O module 506, (figure 5, column 18, lines 33-51, column 20, lines 8-13),

a user may receive an incoming audio portion of a communications event (call, page, video phone communication) via a communications module 502 (column 52, lines 13-26), which is detected during the video transmission via communications module 502 (1302),

a user receives an indication for an incoming telephone call/page which includes caller ID information, text information or a graphic, if the user accepts the incoming message (receives the audio portion of the communications event) the set top box transmits a signal to the video server and pauses the video to display the content via module 506 (step 1322, column 51, lines 16-column 54, line 53), if a user does not accept a phone call, the communications signal is routed to the appropriate device and recorded (steps 1311, 1312, column 52, lines 18-34), incoming messages may include phone calls, video phone calls, faxes, messages, pages or any analog or digital transmission (column 51, lines 21-24) .

Abecassis fails to disclose converting an audio portion of the communications event to text for display via a conversion module, but does disclose recording an audio message (column 52, lines 18-34).

Herz discloses notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition (column 61, line 51-column 62, line 6, lines 23-25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the incoming alerts of Abecassis to include the voice to text conversion module and alerts of Herz, thereby enabling a user to receive a message without interrupting viewing of a program.

Regarding claim 57, Abecassis discloses a RAViT device 500 which utilizes computer readable instructions which automatically pause a video program in figures 13-14b,

in which uses a PCTV like device receives a video program (step 1301) and outputs it to a display device, (figure 5, column 18, lines 33-51),

a user may receive an incoming call or page, which is detected during the video transmission (1302),

a user receives an indication for an incoming telephone call/page which includes caller ID information, text information or a graphic, if the user accepts the incoming message the set top box transmits a signal to the video server and pauses the video to display the content (step 1322, column 51, lines 16-column 54, line 53), if a user does not accept a phone call, the communications signal is routed to the appropriate device and recorded (steps 1311, 1312, column 52, lines 18-34), incoming messages may include phone calls, video phone calls,

faxes, messages, pages or any analog or digital transmission (column 51, lines 21-24) .

Abecassis fails to disclose converting an audio portion of the communications event to text for display, but does disclose recording an audio message (column 52, lines 18-34).

Herz discloses a method for notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition (column 61, line 51-column 62, line 6, lines 23-25).
Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the incoming alert method of Abecassis to include the voice to text conversion and alerts of Herz, thereby enabling a user to receive a message without interrupting viewing of a program.

Regarding claim 83, Abecassis discloses a RAViT device 500 which utilizes computer readable instructions which automatically pause a video program in figures 13-14b,

in which uses a PCTV like device receives a video program (step 1301) and outputs it to a display device, (figure 5, column 18, lines 33-51),

a user may receive an incoming call or page, which is detected during the video transmission (1302),

a user receives an indication for an incoming telephone call/page which includes caller ID information, text information or a graphic, if the user accepts the incoming message the set top box transmits a signal to the video server and

pauses the video to display the content (step 1322, column 51, lines 16-column 54, line 53), if a user does not accept a phone call, the communications signal is routed to the appropriate device and recorded (steps 1311, 1312, column 52, lines 18-34), incoming messages may include phone calls, video phone calls, faxes, messages, pages or any analog or digital transmission (column 51, lines 21-24), the video program and message may be displayed simultaneously (figure 14b) .

Abecassis inherently detects an off hook condition as Abecassis discloses that phone calls may be incoming communications ((column 51, lines 21-24), and that if communications are accepted (step 1311), the video is paused (1323), thus Abecassis must be able to detect when a call is retrieved, and when a call has not been retrieved, otherwise, the device would not know whether or not to pause the video.

Abecassis fails to disclose converting an audio portion of the communications event to text for display with the video program, but does disclose recording an audio message (column 52, lines 18-34).

Herz discloses a method for notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition (column 61, line 51-column 62, line 6, lines 23-25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the incoming alert method of Abecassis to include the voice to text conversion and alerts of Herz, thereby enabling a user to receive a message without interrupting viewing of a program.

4. Claims 5, 33 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 5,754,938 to Herz in further view of U.S. Statutory Invention Registration H1714 to Partridge.

Regarding claims 5, 33, and 61, Abecassis discloses the use of displayed caller id information (step 1310, column 52, lines 13-17), and discloses in figures 14 A/B the display of a name 1410 and or photo 1451 for an incoming videophone communication, the incoming communication may be a paging message (column 51, lines 22-24).

Abecassis and Herz do not disclose outputting graphic associated with a telephone number, but instead Abecassis displays text messages and graphics for a videophone communication.

Partridge discloses a caller ID system which displays a graphic associated with a user's telephone number (column 2, lines 53-65, column 3, line 42-column 4, line 8), thus making it easy for a user to recognize a caller, rather than remembering a long phone number.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis and Herz to display a graphic related to a phone number as taught by Partridge, for the advantage of making it easy for a user to recognize a caller, rather than remembering a long phone number.

5. Claims 11, 39, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 5,754,938 to Herz in further view of The Publisher's Page article.

Regarding claims 11, 39, and 67, Abecassis discloses that a voicemail may be recorded or the communications may be logged (column 52, lines 57-65).

Abecassis and Herz do not disclose initiating a call back of the telephone call.

The Publishers Page teaches that when a person receives a telephone call, they may call the originator of the call back (pages 1-2), in order to continue a conversation.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis and Herz to allow a user to call back a previous caller as taught by The Publisher's Page, for the advantage of enabling a user to continue a previous conversation.

6. Claims 9, 36, 37, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 5,754,938 to Herz in further view of U.S. Patent 5,715,315 to Handelman.

Regarding claims 9, 36, 37, and 65, Abecassis discloses that if a user does not accept an incoming call, the call is recorded (column 52, lines 27-30).

Herz discloses messages may include voicemail messages converted to text via speech recognition, which are forwarded to the user or users secretary (column 61, line 51-column 62, line 6, lines 23-25).

Abecassis and Herz do not disclose presenting the text and audio form of the message to a user.

Handelman discloses a television system which enables a user to hear voicemails and view email text onscreen (column 6, lines 37-51, column 7, lines 40-54), thus allowing a user to review their messages at their convenience.

Therefore it would have been obvious to one skilled in the art at the time of invention to present both the text and audio forms of a message as taught by Handelman, for the advantage of reviewing a message at the user's convenience.

7. Claims 15, 17, 43, 45, 71 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 5,754,938 to Herz in further view U.S. Patent 5,808,662 to Kinney.

Regarding claims 15, 17, 43, 45, 71 and 73, Abecassis discloses the use of a fast forward, rewind and frame advance function (column 40, lines 26-31).

Abecassis and Herz do not disclose the use of a slow motion or frame back signal.

Kinney discloses a digital playback system which enables a user to play a program in slow motion or a previous frame via a frame back signal (column 4,

lines 59-63, column 5, lines 20-23), thus enabling a user view a video sequence in detail, by allowing a user to see subtle changes between frames provided by a slow motion or previous play command.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis and Herz to include a slow motion and previous frame command as taught by Kinney for the advantage of enabling a user to view a video sequence in detail, by allowing a user to see subtle changes between frames provided by a slow motion or previous play command.

8. Claims 18, 46, and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 5,754,938 to Herz in further view U.S. Patent 6,480,667 to O'Connor.

Regarding claims 18, 46, and 74, Abecassis discloses the use of a skip function (column 39, lines 53-58).

Abecassis and Herz do not disclose utilizing a jump signal to display a program from the current point of transmission.

O'Connor discloses a video buffering system that enables a user to catch up to the live broadcasting stream, while fast forwarding the receiver detects a threshold which is close to the live stream and then issues a jump signal that

allows the incoming live video stream to be provided directly to the video output 120 (column 4, lines 37-64), thus enabling a user to catch up with a live program. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis and Herz to issue a jump signal as taught by O'Connor for the advantage of enabling a user to catch up with the programming.

9. Claims 28, 56, and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 5,754,938 to Herz in further view U.S. Patent 6,006,257 to Slezak.

Regarding claims 28, 56, and 84, Abecassis shows in Figure 14a, a menu, which indicates a communications event.

Abecassis and Herz do not disclose whether the menus are overlaid over the image.

Slezak discloses a system in which emails, or voice mails converted to text are overlaid over a video program (column 8, lines 17-42) via a overlay processing unit 130, thus enabling a user to multitask and make better use of their time.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis and Herz to overlay a menu over the displayed as taught by Slezak for the advantage of enabling a user to multitask and make better use of their time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL

HAI TRAN
PRIMARY EXAMINER